

UNITED STATES DISTRICT COURT
for the
Southern District of Mississippi

United States of America)
v.)
Pedro Munoz Benito)
)
)
)
)
)

Case No.

3:24-mj-137-LGI

*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 26, 2024 in the county of Hinds in the
Southern District of Mississippi, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. Section 922(g)(5)	Alien in Possession of a Firearm

This criminal complaint is based on these facts:

See the attached affidavit of Deportation Officer Derrick D. McClung of U.S. Immigration and Customs Enforcement.

Continued on the attached sheet.

Complainant's signature

Deportation Officer Derrick D. McClung, ICE

Printed name and title

Sworn to before me and signed in my presence.

Date: 2/27/2024

Judge's signature

City and state: Jackson, MS

LaKeysha Greer Isaac, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

I, Derrick D. McClung, Deportation Officer with the United States Immigration and Customs Enforcement (ICE), being duly sworn, do hereby depose and state:

INTRODUCTION

1. I am a Deportation Officer with U. S. Immigration and Customs Enforcement (ICE) assigned to the Jackson, MS Sub-Office of the New Orleans Field Office. I have been employed as such since September 20, 2015. Prior to this, I served as an Immigration Enforcement Agent with ICE.
2. I have received training in the areas of criminal law enforcement as an enforcement and removal officer for ICE. That training has included the investigation and prosecution of violations of criminal laws relating to unlawful entry, employment, and physical presence in the United States of individuals subject to the Immigration and Nationality Act.
3. My current duties include conducting criminal investigations of violations of Federal Statutes and administrative violations of the Immigration and Nationality Act and Title 18 of the United States Code.
4. As part of my duties, I am involved in the investigation of Pedro MUNOZ-Benito (MUNOZ-BENITO), a citizen and national of Mexico, for violating Title 18, United States Code, 922(g)(5), prohibited person (illegal alien) in possession of a firearm.

PROBABLE CAUSE

5. On February 26, 2024, I spoke with Captain Ronnie Clark (Capt. Clark) of the Clinton Police Department (CPD) in reference to two male subjects currently in custody at the CPD jail and charged with Shooting/Discharging a Firearm in the City limits. Capt. Clark identified the subjects as Pedro MUNOZ-Benito of Mexico and Andres VAZQUEZ-Lopez (VAZQUEZ-LOPEZ) of Mexico.
6. I have reviewed the arrest records of MUNOZ-BENITO and narrative report of Clinton Police Department Lt. Garrett Starkey from the February 26, 2024, arrest. The narrative report detailed that CPD Officers were dispatched to the area of Kent Drive in Clinton, Mississippi in response to a call for service in which the caller reported hearing gunshots in the area. Lt. Starkey went to the area and made contact with a resident of a Kent Drive home in Clinton. The resident told Lt. Starkey that the shots came from the residence directly across the street at 1004 Kent Drive. Lt. Starkey then went across the street to 1004 Kent Drive and made contact with two Hispanic males seated in the cab of a 2003 Toyota Tacoma (MS Plate No. HN63686) parked in the driveway of 1004 Kent Drive. The narrative report detailed that when Lt. Starkey made contact with the two occupants, Lt. Starkey observed several spent shell casings in and around the vehicle. The report further detailed that the occupants of the vehicle were intoxicated and the driver, VAZQUEZ-LOPEZ, was arrested for driving under the influence. An inventory search of the vehicle

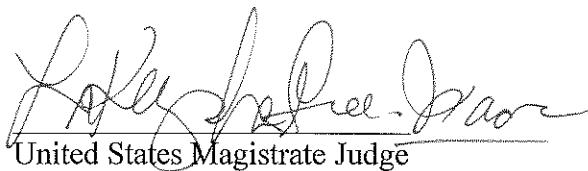
yielded spent 9mm shell casings and a Stoeger-9 9mm pistol with serial number T6429-21V04405. Both MUNOZ and VAZQUEZ were arrested and charged with state crimes in relation to the shooting and the operation of the motor vehicle while intoxicated.

7. CPD determined upon booking that MUNOZ-BENITO and VAZQUEZ-LOPEZ were not United States citizens and they contacted U.S. Immigration Customs and Enforcement. I arrived at the CPD to conduct an in-person interview with both MUNOZ-BENITO and VAZQUEZ-LOPEZ. While utilizing the services of a Spanish interpreter, MUNOZ-BENITO was read his *Miranda* rights and agreed to talk to me in reference to his arrest by the CPD. MUNOZ-BENITO initially stated that he borrowed the handgun from another individual but then admitted that he purchased the handgun. MUNOZ-BENITO could not identify the person he bought the gun from. MUNOZ-BENITO stated he and VAZQUEZ-LOPEZ took turns shooting the gun in the air as they waited for a friend to come out of the residence.
8. I have reviewed the CPD police reports which identified the gun found in the possession of MUNOZ-BENITO as a Stoeger-9 9mm pistol with serial number T6429-21V04405 by Stoeger Industries. ATF Special Agent Wade Bryant has provided a preliminary determination that the handgun is a firearm as defined by Title 18, United States Code 921(a)(3) and that the firearm traveled in interstate or foreign commerce.
9. MUNOZ-Benito admitted to being illegally present in the United States and is a citizen and national of Mexico.
10. With the above information I, Deportation Officer Derrick D. McClung, request an arrest warrant be issued for Pedro MUNOZ BENITO for violation of Title 18, United States Code 922(g)(5), a prohibited person (illegal alien) in possession of a firearm.



Derrick D. McClung
Deportation Officer
U. S. Immigration and Customs Enforcement

Sworn to and subscribed before me this 27th day of February, 2024.


United States Magistrate Judge